

FAS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

07 DEC 31

AM 10:11

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

07 MJ 3013

UNITED STATES OF AMERICA,

Plaintiff,

v.

Luis Arturo MIRANDA-Mendoza,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8, U.S.C., Section 1326

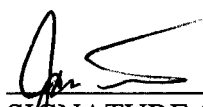
Deported Alien Found in the

United States

The undersigned complainant, being duly sworn, states:

On or about **December 30, 2007** within the Southern District of California, defendant, **Luis Arturo MIRANDA-Mendoza**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

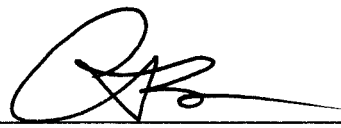


SIGNATURE OF COMPLAINANT

James Trombley

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 31st DAY OF DECEMBER
2007



Cathy A. Bencivengo

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Luis Arturo MIRANDA-Mendoza

FAS

PROBABLE CAUSE STATEMENT

On December 30, 2007, Supervisory Border Patrol Agent M. Dreyer, along with Border Patrol Agents R. Brudnok and P. Olvera were performing their assigned duties as Border Patrol Agents in the Chula Vista Border Patrol Station's area of operations. Agents Brudnok and Olvera were patrolling the border in Copper Canyon, near an area known as "Ricardi's HLZ" (Helicopter Landing Zone). Agent Dreyer was operating an infrared night vision scope from an elevated position in Copper Canyon north of Agents Brudnok and Olvera. This area is approximately five miles east of the Otay Mesa, California Port of Entry and two thousand meters north of the United States/Mexico International Boundary.

At approximately 12:45 AM, Agent Dreyer observed and reported two individuals walking northbound on a main trail in Copper Canyon that leads from the United States/Mexico International Boundary a short distance from Agents Brudnok and Olvera. At 1:15 AM, the two individuals approached Agents Brudnok's and Olvera's position. Olvera and Brudnok identified themselves as United States Border Patrol Agents. Agent Olvera questioned both of the subjects as to their citizenship and immigration status. Both subjects, including one later identified as the defendant **Luis Arturo MIRANDA-Mendoza** admitted to being citizens and nationals of Mexico. Agent Olvera asked both subjects if they were in possession of any immigration documents that would allow them to legally enter or remain in the United States. Both subjects, including the defendant stated that they did not and admitted to being illegally present in the United States. The defendant and the other individuals were arrested and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 16, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted to being a citizen and national of Mexico, and that he is present without immigration documents that would allow him to enter or remain in the United States legally.